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Introduction to the Review of Florida Legislation

Justice Kenneth B. Bell
kbb@kbb.com

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INTRODUCTION TO THE REVIEW OF FLORIDA LEGISLATION

JUSTICE KENNETH B. BELL*

I am pleased to introduce this edition of the annual *Florida State University Review of Florida Legislation*. My alma mater dedicates an edition each year to focus on significant legislation and the issues surrounding the enactment of important bills. The result is a valuable resource for attorneys, courts, and the Legislature itself.

The Florida Supreme Court often cites the principle that “legislative intent is the polestar” which guides a court in interpreting the provisions of a law.¹ When a case involves statutory interpretation, the primary judicial role is to identify the legislative intent, and then to sustain and enforce that intent unless it plainly and clearly breaches constitutional constraints. However, ascertaining a legislative purpose can be a challenging research project. The annual legislative edition of the *Florida State University Law Review* provides valuable assistance in identifying and clarifying the guiding forces behind new legislation or amendments.

More broadly, by highlighting the complex challenges our legislators confront, the annual legislative edition also helps to remind us all of both the enormous power the people place in our legislators and the concomitant sacred duty of faithful stewardship assumed by each legislator. Our awareness of the great demands facing our legislators must prompt our greatest respect for those willing to faithfully serve. Within the judicial branch, this awareness must foster a renewed determination to faithfully effectuate the legislative will. This perspective resonates in the writings of Justice James B. Whitfield, a Florida Supreme Court Justice from 1904 to 1943, and one of the greatest legal scholars in Florida’s history. In *State v. Atlantic Coast Line Railroad Company*,² his most frequently cited opinion, Justice Whitfield addressed the subject of legislative and administrative powers. Upholding the Florida Legislature’s authority to establish a Railroad Commission, Justice Whitfield wrote:

In recognition of the power and duty of the state, the Constitution expressly accords to the Legislature full power and discretion to pass all laws necessary to prevent abuses, unjust discriminations, and excessive charges by common carriers and others on

* 81st Justice of the Florida Supreme Court; B.A., Davidson College, 1978; J.D. with honors, Florida State University, 1982.

1. See, e.g., *Hechtman v. Nations Title Ins. of N.Y.*, 840 So. 2d 993, 996 (Fla. 2003).

2. 47 So. 969 (Fla. 1908).

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gaged in rendering service of a public nature. To accomplish the purpose designed, the power thus conferred necessarily includes authority to do and provide for the doing of every needful act that is not clearly and plainly violative of some constitutional provision. Every doubt as to constitutionality should be resolved in favor of a legislative act designed to carry out the specific constitutional provision relative to common carriers, where some other provision of the organic law is not plainly and clearly violated.³

As reflected in Justice Whitfield's opinion, the role of the courts in statutory interpretation is to ensure that the will of the people, as distilled into law through the skill and commitment of our legislators, is given its greatest permissible effect. While the powers of the Legislature, the executive branch, and the courts alike are both conveyed and restrained by constitutional mandates, it is the duty of the courts to resolve every doubt about the constitutionality of a legislative act in favor of supporting the act's legitimate purposes. As Justice Whitfield understood, the most effective, efficient government is achieved through "the harmonious cooperation of the separate, independent departments."⁴ In other words, our form of government works best when each branch of government faithfully exercises its respective powers and relentlessly refuses to tread upon powers vested in another.

This *Review of Florida Legislation*, like each annual legislative edition, renews our focus on the dedication and achievements of our elected representatives. I am pleased to introduce this edition. It is fitting that the *Florida State University Law Review* devotes an edition each year to illustrate and explore the efforts of our most significant policymaking branch of government.

3. *Id.* at 977.

4. *Id.* at 974.